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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 METARA, INC. CV-03-4594-JF
10 Plaintiff,

ORDER OF DISMISSAL

11 V.

12 HOWARD KINGSTON,
13 Defendant.

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14 The parties hereto, by their counsel, have advised the Court that they have agreed to a
15 settlement of this case.

16 IT IS HEREBY ORDERED that this cause be dismissed with prejudice; however, that if
17 any party hereto shall certify to this Court, within thirty days, with proof of service of a copy
18 thereof, that the agreed consideration for said settlement has not been delivered over, the
19 foregoing ORDER SHALL STAND VACATED and this cause shall forthwith be restored to the
20 calendar to be set for trial.

21 Date: September 7, 2005

22 s/electronic signature authorized
23 JEREMY FOGEL
24 Judge United States District Court

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